

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

COBRA TACTICAL, INC., ON BEHALF OF ITSELF
AND ALL OTHERS SIMILARLY SITUATED,

PLAINTIFF,

v.

PAYMENT ALLIANCE INTERNATIONAL INC. AND
GLOBAL PAYMENTS DIRECT, INC.,

DEFENDANT.

CIVIL ACTION FILE NO.

1:17-CV-_____

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendants Payment Alliance International Inc. (“PAI”) and Global Payments Direct, Inc. (“Global”) hereby jointly remove this action.

1. This action was filed in the Superior Court of Fulton County, Georgia, on April 19, 2017.
2. PAI and Global are the only named defendants.
3. Without waiving any defenses regarding service of process (or lack thereof), Global states that it was served with and received notice of this action on April 21, 2017, when it was served with the Complaint. *See* Complaint (Exhibit A); *see also* Declaration of Susan Crowley (“Crowley Decl.”) ¶ 3 (Exhibit B). PAI

states that it was served with and received notice of this action on April 21, 2017, when it was served with the Complaint. *See* Complaint (Exhibit A).

4. Named plaintiff Cobra Tactical, Inc. (“Cobra”) alleges that it is a California corporation headquartered in California. Compl. ¶ 12.

5. Global is a corporation organized under the laws of New York with its principal place of business in Georgia. PAI is a corporation organized under the laws of Delaware with its principal place of business in Kentucky. Compl. ¶ 13; *see also* Crowley Decl. ¶ 4.

6. Cobra purports to seek relief on behalf of “[a]ll PAI customers in the United States who paid a fee or charge that [Plaintiff contends] was not authorized by the Card Services Agreement,” which Plaintiff contends governs the relationship between and among Global, PAI, and all putative class members. *See* Complaint ¶ 53.

7. The purported class contains more than 100 members. *See* Compl. ¶ 57 (stating that the putative class consists of “***thousands of members***” (emphasis added)); *see also* Crowley Decl. ¶ 6.

8. The amount in controversy, excluding fees and costs, exceeds \$5 million in the aggregate. *See* Crowley Decl. ¶¶ 12-13. Assuming (but not

admitting) the truth of Plaintiff's allegations solely to evaluate the amount in controversy, Plaintiff's invoices—kept by Global in the ordinary course of business—show that the amount in controversy is over \$10 million for the six-year limitations period Plaintiff alleges governs these claims. *See id.*

9. Global's records also show that many PAI customers charged the fees at issue in this case are residents of states other than Georgia, New York, Delaware, or Kentucky. *See Crowley Decl. ¶ 14.*

10. Jurisdiction is proper in this Court under § 1332(d), because (1) the amount in controversy exceeds \$5 million, exclusive of interest and costs; (2) the purported plaintiff class includes more than 100 members; and (3) at least one member of the purported class is a citizen of a state different from both Global and PAI.

11. Venue is proper in the Atlanta division of this Court because Cobra filed this action in Fulton County. *See 28 U.S.C. § 90(a)(2).*

12. Copies of all state process, pleadings, and orders in the possession of Global and PAI are filed herewith. *See Exhibit A.*

13. On the same day it files this notice, Global and PAI will file with the Clerk of Court for the Superior Court of Fulton County, Georgia, a copy of this

Notice of Removal.

WHEREFORE, take notice that this action has been removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 19th day of May, 2017.

Respectfully submitted,

/s/ Steven J. Rosenwasser

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CERTIFICATE OF SERVICE

I certify that today I served a true and correct copy of the foregoing document by U.S. Mail and email on the following:

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